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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

EDIBERTE LOPEZ PILOTIN,

Defendant and Appellant.

D045054

(Super. Ct. No. SCS185404)

APPEAL from a judgment of the Superior Court of San Diego County, Jeffrey Fraser, Judge. Affirmed.

Ediberte Lopez Pilotin entered guilty pleas to burglary (Pen. Code, § 459)<sup>1</sup> and petty theft with a prior theft conviction (§§ 666/484). He admitted three prior strikes (§§ 667, subds. (b)-(i), 1170.12) and serving four prior prison terms (§ 667.5, subd. (b)). The court dismissed two prior strikes, struck the prior prison term enhancements, and

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<sup>1</sup> All statutory references are to the Penal Code.

sentenced him to prison for four years: double the two-year middle term for burglary with a prior strike.<sup>2</sup> It stayed sentence on the conviction of petty theft with a prior theft conviction. The record does not include a certificate of probable cause. (Cal. Rules of Court, rule 30(b).)

## DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as a possible but not arguable issue whether Pilotin's guilty plea was constitutionally valid.

We granted Pilotin permission to file a brief on his own behalf. He has not responded. A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issue referred to pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Pilotin on this appeal.

## DISPOSITION

The judgment is affirmed.

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<sup>2</sup> Because Pilotin entered guilty pleas, he cannot challenge the facts underlying the convictions. (Pen. Code, § 1237.5; *People v. Martin* (1973) 9 Cal.3d 687, 693.) We need not recite the facts.

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McCONNELL, P. J.

WE CONCUR:

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NARES, J.

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AARON, J.